

2005-06 HONOLULU CHARTER COMMISSION
CHARTER AMENDMENT PROPOSAL FORM

1. Provide a brief description of the purpose of the proposed charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:

The proposed Charter amendment is to exempt the Liquor Control Administrator and Deputy Administrator from the civil service in Section 6-1103 of the Charter.

A recent audit of the Liquor Commission by the City Auditor indicates that the civil service status of the Liquor Administrator "discourages" oversight of the Liquor Administrator by the Commissioners. The City Auditor further found that the exempt status of the Liquor Administrator limits the Commissioners duty to monitor and ensure the efficiency of the Liquor Administrator, and further the limits the Commissioners ability to hold the Liquor Administrator accountable for his/her actions.

2. If applicable, list the charter provision(s) proposed to be deleted or amended:

Section. 6-207. Liquor Commission
Section 6-1103. Civil Service Executive Branch

3. If the proposal is based on a provision or provisions in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

All other counties, Maui, Kauai and Hawaii separate Liquor Control Department, with their Liquor Administrator being exempt from civil service as a department head.

4. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.
5. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format:

If proposing an amendment to existing Charter provisions, indicate, by underscoring, any language being proposed to be added to the Charter and indicate, by bracketing, any language being proposed to be deleted from the Charter.

If proposing to replace existing Charter provisions in their entirety, clearly indicate the article(s), chapter(s) and/or section(s) of the Charter proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

If proposing new Charter material only, provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

**Please submit this form and attachments by mail, e-mail, or fax.
Submissions are due October 31, 2005.**

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Thank you for participating in the charter revision process!

CHARTER AMENDMENT LANGUAGE TO EXEMPT THE LIQUOR CONTROL ADMINISTRATOR AND DEPUTY FROM CIVIL SERVICE.

SECTION 1. Section 6-207, Revised Charter of the City and County of Honolulu 1973, as amended, is further amended to read as follows:

"Section 6-207. Liquor Commission--

1. The organization and the duties and functions of the liquor commission of the City and County of Honolulu shall be as provided by law, except that [the];

(a) The commission shall be attached to the department of budget and fiscal services[.]; and

(b) The liquor control administrator and deputy liquor control administrator shall be exempt from civil service in accordance with Section 6-1103 and shall be appointed and may be removed in accordance with this section.

2. The liquor commission shall appoint and may remove a liquor control administrator, who shall serve as the administrative head of the commission staff and be subject to the policies and directions of the commission. The commission shall set the salary of the administrator.

The liquor control administrator may appoint and remove a deputy liquor control administrator, who shall serve as the first deputy to the administrator. The commission shall set the salary of the deputy.

The liquor control administrator may hire and remove other staff in accordance with applicable law. The salaries of the staff shall be set in accordance with applicable law."

SECTION 2. Section 6-1103, Revised Charter of the City and County of Honolulu 1973, as amended, is further amended to read as follows:

"Section 6-1103. Civil Service and Executive Branch Exemptions--

The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of the charter:

(a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the manager and chief engineer of the board of water supply; the manager of any semi-autonomous agency created by ordinance; and the position of the liquor control administrator of the liquor commission.

(b) Positions in the office of the mayor, but such positions shall be included in the position classification plan. Employees of the civil defense agency and Royal Hawaiian Band, other than the band director, shall not be exempted from civil service.

(c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.

(d) Positions of members of any board, commission or equivalent body.

(e) Positions of a temporary nature filled by students.

(f) Personal services obtained by contract where the director has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.

(g) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service, the director of human resources shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable.

(h) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or any other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and when such fact is certified to by the director of human resources.

(i) Positions of one first deputy; and for the Honolulu Police Department one additional deputy; private secretaries to heads of departments and their deputies; [and] the position of managing director, one first deputy and private secretaries to each; [but] and the position of deputy liquor control

administrator; provided that private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service.

(j) Positions or personal services in demonstration programs and joint participation and special projects which serve the community; provided that such exemptions are required by federal law or rules and regulations and then in accordance with procedures established by ordinance.

The director of human resources shall determine the applicability of this section of the charter to specific employment or services in the executive branch."

SECTION 3. Article XVI, Revised Charter of the City and County of Honolulu 1973, as amended, is further amended by adding a new section to be appropriately designated and to read as follows:

"Section 16- . Transition Provisions for Liquor Control Administrator and Deputy Administrator--

1. From July 1, 2007, the positions of the liquor control administrator and deputy liquor control administrator of the liquor commission shall be exempt from civil service.

2. The incumbents filling the positions of liquor control administrator and deputy liquor control administrator on June 30, 2007 shall be terminated from the positions at the end of that day. Their right to another civil service position shall be subject to applicable civil service rules.

The incumbents shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of their termination under this subsection. If they continue in other civil service positions following termination, nothing in this subsection shall be construed as preventing future changes in their status pursuant to the civil service provisions of this charter.

Nothing in this subsection shall be construed as disqualifying the terminated incumbents from serving as the liquor control administrator or deputy liquor control administrator after June 30, 2007. They may be appointed to those positions in accordance with Section 6-207.

3. The liquor commission may appoint a person to the position of liquor control administrator before July 1, 2007, but any appointment shall take effect on that date."

SECTION 4. Sections 1 and 2 shall take effect on July 1, 2007 and Section 3 and this section shall take effect upon ratification by the electorate.